

WRITING SPECIFICATIONS

A specification, or requirement, is a description of the mandatory physical and/or functional characteristics of a commodity or the nature of a service.

It is an essential responsibility of the buyer to ensure that the end user's specifications are clearly and precisely stated in the solicitation as these specifications become a vital part of the resultant contract. Ensuring accurate and contractually binding specifications is the buyer task that is often most time-consuming and requires the greatest effort.

Specifications must:

- Include every mandatory criterion that the contractor must meet in providing the commodity or service.
- Be customized for each solicitation, not copied from a previous solicitation, from a similar solicitation, or from a prospective contractor's website.

There are different techniques or approaches to writing specifications in the procurement community at large. This OSP manual provides instruction for writing specifications which are specifically designed for Arkansas procurement, on multiple levels:

- Arkansas has laws that define how contracts are written specifically for our State.
- OSP has policies, procedures, and best practices in place for how to write contracts.
- The OSP Director has given direction on the use of certain methods, specific language, and a particular approach in writing Arkansas procurement contracts.

This manual combines all those facets, so by following this instruction, you are:

- Compliant with AR law.
- Compliant with OSP policies and best practices.
- Following the OSP Director's guidance.

Creating a Strategy for Developing Specifications

When you receive specifications, and before you start inserting them in the solicitation template, read through them to determine:

1. Is it for a commodity, for a service, or for a commodity *with* services?
 - For services, is it:
 - A start-to-finish project?
 - An ongoing, repetitive service?
 - Both?

2. Understanding the goal of the procurement will help you determine your strategy for moving forward to achieve best value for the State.
3. Especially in the case of commodities, the end user has sometimes pre-determined the specific product they want, (or he/she hasn't shopped around), and the buyer will receive product specifications that seem to be information copied from a vendor's web page.

Do not begin creating your solicitation. These are not your specifications.

Before working with the specifications in the template, it is critical that you:

1. Research.
2. Ask questions, especially from the agency and/or end user.
3. Consider new efficiencies.

Research

- What other similar products are available on the market?
- How can the specifications be refined to promote open competition?
- How can the specifications be refined to achieve best value?

Ask the Agency and/or End User

- How did the agency go about creating their specifications? (Are they copied from a 1994 bid?)
- WHY does the agency have to have this particular set of specifications for this particular item?
- Has the agency checked for availability of other similar products?
 - Where and how did they check for similar products?
 - What did they find?

Find New Efficiencies

- Why is this commodity or service bid this way?
 - I.e.: As a single award or multiple awards? As an RFP vs. IFB? Using these criteria?
- Can we bid/award it a different way to streamline contract administration?
- Is there a way to make it more user friendly for the end user(s)?
- Is there updated information on the market that would help secure a better product?

- Is there a cooperative for this commodity/service that would be beneficial to the State? Or, would this product/service be feasible or more efficient as a State contract?
- Does the contract provide an equal or greater value for the time/effort it takes to issue the solicitation and administer the contract?
- What works or doesn't work with the current/previous contract?
- How are other States purchasing this particular commodity/service?

Just because a solicitation or specifications have always been done a certain way, that does not make it correct, efficient, or effective. Buyers should evaluate every solicitation they issue to ensure that each one, as bid *this time*, is achieving best value for the State.

Market Research can provide a wealth of information when developing the specifications.

For more information on market research, go to [Market Research](#).

Plan the Solicitation

After gathering the above information, discuss and determine with your supervisor the best approach for the procurement, such as:

- The procurement vehicle: Cooperative, State contract, new solicitation, etc.
- The bid type: IFB, RFP, CB, etc.

Developing the Specifications

After the bid strategy is in place, you can begin working with the actual specifications.

Very often, the final specifications you create will not look similar to those provided by the end user, nor to a previous bid for the same commodity/service. This change in specifications is the tangible proof that a buyer is adding value to the procurement process.

KEEP IN MIND

Buyers often work on solicitations for commodities/services with which they are not familiar. You don't have to be an expert on a commodity/service to bid it. You can/should learn more about that commodity/service as you work on the bid.

Don't let this make you feel overwhelmed. You only have to learn about a commodity or service *one solicitation at a time*. This knowledge bank makes you a more valuable asset to Arkansas procurement by adding to your professional experience.

Step 1 – Sort Things Out

Often, the specifications you receive from the end user contain more than the specifications/requirements for the commodity or service, and the information must be sorted. Separate the following categories of information in the specifications document you receive, so that when you are working with the actual specifications, you don't have extraneous information to sort through :

- Contractual terms that go in another section of the solicitation.
- Prospective contractor qualifications.
- For RFPs, evaluation criteria and performance standards.
- The introductory information, background, or objective/goals of the resultant contract (that aren't requirements).
- The actual specifications/requirements.

Some easy methods to help you sort the information are by highlighting the different parts in different colors or by cutting and pasting the different categories to sort them.

Step 2 - Organizing Your Specifications in the Solicitation Document

Once you have the information sorted, consider how you will:

1. Break up the specifications into logical groupings with their own headings.
2. Organize the headings in the requirements/specifications section of the solicitation.

An example of headings for a solicitation for a data analysis project might look like the following:

- 2.1 Introduction
 - 2.2 Background (optional)
 - 2.3 Goals and Objectives (optional)
 - 2.4 Prospective Contractor Qualifications
 - 2.5 Kick-off Meeting
 - 2.6 Data Compilation
 - 2.7 Data Analysis
 - 2.8 Draft of Recommendations
- And so on to Reporting and/or other peripheral requirement headings.

Background – End users sometimes provide a lot of background information. Decide if it's necessary to help prospective contractors provide a better bid/proposal.

For example:

- Standard pest control services – Background information is typically not necessary.
- Persistent bat infestation - Background information is likely very helpful.

The background and/or objective heading(s) typically comes immediately after the Introduction heading in the Specifications/Requirements section of the solicitation.

Contractor Qualifications – This is typically for solicitations for services when the level of contractor expertise is critical.

The qualifications heading should come next in the specifications because if a vendor is not qualified, he/she can stop reading here before going through all the remaining, detailed specifications.

The Main Requirements

When organizing your headings into a logical flow, remember the following guidelines:

- Specifications for a Commodity: The most critical headings should come first.
- Repetitive services (such as lawn care services that repeat on a regular basis): The most critical requirement categories/headings come first.
- Project (start-to-finish) Services: Chronological order of the key project steps is usually best, with extraneous requirements such as reporting, intellectual property rights, etc. at the end. This is the organization shown in the example headings listed above.

KEEP IN MIND

Organizing your headings is one of the most critical steps in writing specifications that are clear, concise, and easy to read and interpret.

When in doubt about how to organize your specification headings, see your supervisor for guidance. Your supervisor may also discuss general organization recommendations when the bid is assigned.

Step 3: Understand Your Specifications

If you don't understand something in the specifications, or don't understand why something is required, don't guess what the end user might mean. Don't write specifications you don't understand yourself.

It may be time for a meeting with the agency to address those big picture questions up front, so you know exactly what you are purchasing.

If you and your supervisor decide you need an agency meeting, create an agenda of the **'big picture' questions**. Review this together prior to the meeting.

This is typically not a time to work out specific details and finite language, but simply to gain an overall understand of what the agency needs to purchase.

A meeting can be a conference call or in-person, or simply a one-on-one conversation with the end user.

WARNING

A buyer must ensure that the specifications cover all critical and mandatory aspects of a commodity or service. A contractor is *not* obligated to provide anything that is not expressly required in the specifications. *Assumed or implied requirements are not contractually binding.*

Step 4 – Consider Your Specification Language

After you have organized your specifications and requirements and have ensured they are complete, it's time to review them for accuracy, clarity, and contractual soundness.

Specifications should:

1. Be written in single, itemized, numbered statements that are organized under category headings and presented in a logical order, skipping lines between each statement/requirement.

- If you write specifications as a paragraph, should you need to issue an addendum, your reference may have to be:

“On page 17, in paragraph # 4, delete sentence #11. “

Instead of: “Delete Item 2.6.A.”

- Itemized numbering is more critical in negotiations because it isolates the negotiation item.

“The State is open to negotiating only item 2.6.A.”

2. Be easy to read, understand, and interpret, without ambiguities.
3. Be as brief as possible while still providing detailed information.
4. Be written in a way to allow multiple prospective contractors an opportunity to provide a response.
 - Specifications *must not* be too restrictive as to limit competition or target one prospective contractor's specific commodity or service.
5. Be as comprehensive as possible, including as many concise details about the commodity or service as required to successfully communicate the State's need.

A specification statement that stipulates a required feature of the commodity or service should include the bolded word “**must**” or “**shall**.”

- For example, an end user may provide a specification that reads similar to the below:

“The reports are to be delivered by the 15th of the month.”

OR

“Deliver reports by the 15th of the month.”

This language is contractually weak and should be correctly written as:

“The Contractor **shall** provide reports by the 15th of each month.”

Below are more examples of how a specification statement should be written:

- The license plate **must** be made of aluminum, with a maximum weight of one (1) pound.
- All deliveries **must** be made during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.
- The contractor **shall** ensure that the lawn is kept at a height of between two (2) and five (5) inches.
- The contractor **shall** have a minimum of two (2) years’ experience in providing medical coding services.

Note that “shall” is used when the requirement is the duty of a person, and “must” is used for a mandatory statement about an object or event.

After completing the first draft of the specifications, if you still have some questions about specific details, a second meeting or phone call would be appropriate to finalize the draft for the end user’s review.

The amount or length of the specifications may vary, being as brief as one-half page or up to multiple pages, depending upon the complexity of the commodity or service.

To see examples of specifications in a solicitation, go to OSPs website, PUBLIC, [Bid Opportunities](#) page. Open a posted solicitation by clicking on its bid number. The specifications are in the Specifications or Requirements section of the solicitation.

Specification Writing Tips

1. Be consistent with terminology.
 - If a specification requires a “Final Report”, always refer to it by using the term “Final Report,” *not* “Final Document” or “Final Recommendation.”
3. Write with the reader (and/or eventual contractor) in mind.

- Requirements cannot be assumed or implied; to be contractually binding, they must be expressly written.
4. Write in the active voice.
- CORRECT: Contractor personnel **shall** wear company identification while on State property.
 - INCORRECT: Company identification shall be worn by contractor personnel while on State property.
5. Avoid ambiguous language or terms, such as the underlined terms below. Including a **must** or **shall** in an ambiguous requirement does not make it enforceable to the State's level of need.

For example, the below requirements regrettably leave the interpretation of the underlined words in the hands of the contractor.

- The Contractor **shall** assist the agency in creating a manual.
- The Contractor **shall** provide the results in a timely manner.
- The Contractor **shall** provide adequate supplies.
- The Contractor **shall** communicate any issues to the agency.
- The Contractor **shall** provide training as needed.

When you are writing the specifications for your solicitation, you are writing the document that will become your contract.

***You can't enforce a contract you meant to write,
a contract you thought you wrote,
or a contract you wish you had written.***

You can only enforce the contract you wrote.

As you find additional information in your market research, and as you develop the specifications to align with the parameters of Arkansas procurement law and best practice per OSP, you must collaborate with the end user to confirm that your edited specifications meet the purchasing need.

You should have the end user review the specifications and draft solicitation more than one time as you finalize the specifications, depending on the complexity. At a minimum, the end user must review the specifications and provide written approval prior to the buyer posting the solicitation or distributing it to prospective contractors.